

## TITLE 16. Medical Board of California.

NOTICE IS HEREBY GIVEN that the Medical Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the **Sheraton Suites, 701 A Street, San Diego, California, at 10:00a.m., on Friday, November 7, 2003.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Medical Board of California at its office not later than 5:00 p.m. on November 4, 2003 or must be received by the Medical Board at the hearing. The Medical Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 803.1 and 2018 of the Business and Professions Code, and to implement, interpret or make specific Sections 803.1 of said Code, the Medical Board of California is considering changes to Division 13 of Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Adopt Section 1355.31.

When disclosing settlement information required by Business and Professions Code Section 803.1, existing law requires the Board to define high and low risk medical specialties and to define what constitutes an "average," "below average," or "above average" settlement.

This proposal would define high and low risk medical specialties and set a formula by which the Board will determine whether settlements are reported to the public as average, below average, or above average.

The objective of this proposal is to set standards for disclosure of settlement information in accordance with Business and Professions Code Section 803.1.

### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 through 17630 Requires Reimbursement: None

Business Impact:

☒ The board has made an initial determination that the proposed regulatory action

would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

**AND**

    x     The following studies/relevant data were relied upon in making the above determination:

Business & Professions Code Section 803.1 relates to the disclosing of data to the public. The proposed action of this Board will have no impact other than that imposed by the statute itself.

Impact on Jobs/New Businesses:

The Medical Board of California has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Medical Board of California is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

**EFFECT ON SMALL BUSINESS**

The Medical Board of California has determined that the proposed regulations would not affect small businesses since this language only addresses multiple malpractice settlements made by individuals.

**CONSIDERATION OF ALTERNATIVES**

The Medical Board of California must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

**INITIAL STATEMENT OF REASONS AND INFORMATION**

The Medical Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

## TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Medical Board of California at 1426 Howe Avenue, Suite 92, Sacramento, California 95825.

## AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below (or by accessing the website listed below).

## CONTACT PERSON

Inquiries or comments concerning the substance of the proposed regulations may be addressed to:

Name: Janie Cordray  
Address: Medical Board of California  
1426 Howe Avenue, Suite 92  
Sacramento, CA 95825  
Telephone No.: 916-263-2389  
Fax No.: 916-263-2387  
E-Mail Address: jcordray@medbd.ca.gov

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Kevin A. Schunke  
Address: Medical Board of California  
1430 Howe Avenue, Suite 92  
Sacramento, CA 95825  
Telephone No.: (916) 263-2368  
Fax No.: (916) 263-2387  
E-Mail Address: Kschunke@medbd.ca.gov

The backup contact person is:

Name: Linda K. Whitney  
Address: Medical Board of California  
1430 Howe Avenue, Suite 92  
Sacramento, CA 95825  
Telephone No.: (916) 263-2389  
Fax No.: (916) 263-2387  
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Web site Access: Materials regarding this proposal can be found at [www.medbd.ca.gov](http://www.medbd.ca.gov).